App. F. IX-4

Previous References. (1943-44 War) W File No. 185-43
Serial Nos. 1 & 2.

Later References.

(12)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two only

Part B for April 1, 1944.

SUBJECT

Reservation of the Casurina topes & other plantations around the Aerodrome near Kolar

---

M.R. Krishnan.
14.4.44.

2134/4

Continuation Sheet.

Restriction of the Growing of Hops and other plantations around Aerodrome Near Kelso

W File No./Current No. 185 of 43-44 Page.

1 From The Rt C R

C.L.O. 409/43 44 d 1st March 44 forwg a Cy of Kelso D C's Letter and requesting that a Notice be issued Under Sec 51 E of the Defence (Gen) Regs for the reasons stated.

The D C Kelso Works a order to be issued Under Rule 51 (E) of the Defence (Gen) Regs (Consolidated) requiring the owners of the plantations coming within one mile radius of the Kelso Aerodrome Not to remove or interfere with the required plantations without the approval of the R.A.F authorities. It is seen that it is proposed to pay Compensation towards the destruction of plantations and the D C has made a Suggested Reference to the Rt in the Matter.

Under Rule 51 E the Secretary may by order (a) require the owner of all premises to take within such period as may be Specified in the order such Measures as may be Specified in the order, or (b) authorise any person to take such Measures as may be so Specified.

being Measures which are in the opinion of the Secretary necessary to secure that such premises are or can be Made less readily recognisable in the event of hostile attack. In the present case the question of the owner taking any Measures does not arise. Further the rule refers only to 'premises'. As such issuing an order Under Rule 51 E as suggested, does not seem to be appropriate. Submitted for Consideration Lordship.

(RS) 4/3

2134/W

Continuation Sheet. File No. 657384/43 Current No. of Page.

Rule 51E contemplates the taking of measures (camouflage) for making the premises less readily recognisable. In the first place, premises in its etymological sense means a building and its adjuncts while the open lands be called premises. Further the safety contemplated is for the Aerodrome & not for the premises. Rule 51E may not therefore apply. No other Rule would seem to be applicable. Rule 78(3) could perhaps be applied. The proper course in the circumstances (if rule 78(3) is not to apply) would seem to be to requisition the lands & pay compensation as long as the topes have to be preserved, allowing the topes whenever possible access to the topes so as to enable them to grow any other crops without interfering with the trees.

Land Sub may also be consulted

Liaison Sec)

L
5/3/44

for remarks.

Sec Law
W/Comm)

WO
7/3/44

8959

CHIEF SECRETARY'S GOVT. OFFICE 7 MAR 1944

SECRETARIAT 8874 7 MAR 1944 GOVT OF MADRAS

ins 7-3-44

Law 123/43-44

7/3/44 7-3-44

WD 01809—GPB—60,000—26-1-43

I also feel that there is no adequate provision in the Defence Rules to comply with the request of the Military authorities except by taking action under Rule 75A by requisitioning the required area & the Rope for Ploughing, so that the operations may not be readily recognizable. The Military authorities are prepared to pay the Compensation to the owners for the loss that may be incurred to the owners of the Rope by this act.

Or else another Rule as the Rules of Rule 51E may be made, numbering it as Rule 51EE. It may read as follows:-

51EE (1) "The Central Govt. or the Provincial Govt may by order in respect such area as may be specified in the order -

(a) require the owner of the premises within or land near the specified area to take such period as may be specified in the order, such measures as may be so specified or

(b) authorize any person to take such measures as may be so specified, - being measures which are in the opinion of that Govt necessary to secure such the specified area from being is or can be made less readily recognisable in the event of hostile attack."

(2) "If any person contravenes any

& the provisions of an order made under that rule, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both." "

(Law Secretary) 3 15/3/44

No such order can be passed under R.B.I.E. An order under R 75-A may be passed if the authorities would pay reasonable compensation

Can 13-3-44

(Chief Secy) 3 13/3/

The D.C. may be informed accordingly unless it is considered that rule 78(3) can be applied

Ld 15/3

(Chief Sec'y)

Whether Rule 78(3) may be considered applicable to the case, may be kindly stated.

(Sec'y Law w/comps) UO 22/3/44

The civil authorities should be cautioned that the cases in hand and the other Plantations within a radius of one mile around the Newdome & near Molar

2134/W

May not be cut down.

Such an order, Mandamus & Writ cannot be issued under R 78(3) of D.R. & O. Rule a Dept is not "a thing", but to "placed on or over the lands".

Order may be taken out under Rule 75A as suggested above.

Law Secy) 3/24/3/44

9701 MYSORE

Agree

Chief Secy 24-3-44

9986 27 MAR 1944

Chief Secy

A draft reply to a PC is drawn for consideration with reference to orders issued. Powers to be delegated to a DC under Rule 75A.

Draft Secy) 28/3

10127

Min, Edn) 30/3/44

OFFICE OF THE ... FOR ... Date 3/4/44 No. 6443

3/4/44

4/4/44

Issue 2325/W & 2326/W 4th April 44 to a Reply DC Kolar

B/5/4

W 185-43-1

C. F. No. 46] **GOVERNMENT OF MYSORE**

No. C.L.O. 409/43-44. OFFICE OF the Revenue Commissioner and
Encls. Civil Representative in Mysore, B'lore.

Dated 1st March 1944.

To

V. VEDAVYASACHARYA, Esq., B.A.,
I Chief Secretary to the Government
of Mysore, Bangalore.

Sir,

Subject:- Reservation of the casurina tope and other plantations around the Aerodrome near Kolar.

Sir,

Adverting to your letter No. 1706/W dated 26th Sept. 1942 on the above subject, I have the honour to forward herewith a copy of the letter No. C.L.O. 14/43-44 dated 24/26th Feb. 1944 received from the Deputy Commissioner, Kolar District on the subject.

The Deputy Commissioner reports in concurrence with the Aerodrome authorities, that it is quite necessary from a security point of view, to preserve intact the casurina tope and the other plantations within a radius of one mile, around the Aerodrome near Kolar.

He therefore requests for the reasons stated, that

that a notification be issued under section 51 (E) of the Defence of India Rules, requiring the owners of plantations in this area not to remove or in any manner interfere with the above plantations without the approval of the R.A.F. authorities.

I agree with him, and accordingly recommend that necessary sanction of Government may kindly be obtained to the Deputy Commissioner's proposals as early as possible.

I have the honour to be,
Sir,
Your most obedient servant,

Revenue Commissioner
& Civil Representative.

BN.

WD 03753—GPB—35,000—5-9-41

194

From

The Deputy Commissioner,
Kolar District, Kolar.

To

The Revenue Commissioner &
Civil Representative,
in Mysore, Bangalore

Dated 24th February 1944.

Despatched

Received

General No. C.L.O.14/43/44.
No.

Enclosure No. one

Reservation of casuatina and other natural vegetations around Aerodrome near Kolar.

Sir,

Referring to your letter No.C.L.O.91/42/43 dated 28/9/42 on the above subject. I have the honour to state that the owners of the casuarina and other plantations were required as well as instructed not to remove such plantations which come within 3 miles radius of the Aerodrome near Kolar as per requirements of R.A.F. authorities conveyed by the Executive Engineer, Central Public Works Department in charge of the said works.

Some of the owners of such plantations are not complying with the said requirements and action against such offenders seems necessary with a view avoid further removal. Further the prescribed limits have been reduced one mile as contained in letter No.15810 dated 22/11/43 received from the Executive Engineer, a copy of which I herein enclose for your reference. It has also been proposed to pay compensation towards the detention of plantations, especially towards casuarina as detailed in my report made to you separately on this subject. I therefore request you to be so good as obtain order of Government under rule 51 (e) of the Defence of India Rules requiring the owners of the plantations coming within one mile radius of the erodrome not to remove or interfere with the required plantations with out the approval of the R.A.F. authorities. 300 spare copies of the Notification that may be issued in this behalf may kindly be caused to be sent for necessary action being taken.

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner, Kolar

MS.3.

Letter No.15810 dated 22/11/44 from the Executive Engineer, Central Public works, Bangalore to the Deputy Commissioner, Kolar District.

Sub: Reservation of casurina topes to 3 miles around aerodrome at Kolar - Correspondence ending with this office No.9098 dated 21/6/43.

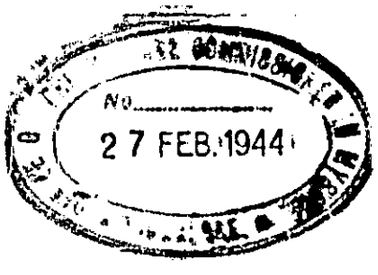
I have the honour to state that Military authorities have stated the reservation of casurina topes may be reduced from 3 miles to one mile radius of the landing ground. The Sub Division Officer, Kolar may kindly be contacted and necessary arrangements made for taking back the topes not required for reservation, compensation for the topes thus reserved will be paid by this Department for which a revised bill may kindly be forwarded.

"Copy"

For Deputy Commissioner, Kolar.

24/2/44

MS.2.



C. F. No. 46]

2376

GOVERNMENT OF MYSORE

No. C.L.O.409/43-44.
Encls.
URGENT.

OFFICE OF the Revenue Commissioner and Civil Representative in Mysore, B'lore.

Dated 30th March 1944.

To

V. VEDAVYASACHARYA, Esq., B.A.,

Chief Secretary to the Government

of Mysore, Bangalore.

Sir,

Reservation of Casurina tope and other plantations around the Aerodrome near Kolar.

2134/U
C.S.29/3 I have the honour to invite kind reference to my letter of even number dated 1st March 1944 addressed to you on the above subject.

I should be grateful if you would let me have the orders of Government as early as possible.

I have the honour to be,
Sir,
Your most obedient servant,

Assistant Commissioner,
For Revenue Commissioner and
Civil Representative.
(Absent from Head Quarters)

CHIEF SECRETARIAT WAR BRANCH 31 MAR 1944

The Main file was sent to the C.S on 29th inst with a draft reply to the RN. R.C.I.C.R

RS 31/3

W 2325/W 185-43-2 4th April ~~29th March~~ 44

Chief

B a n g a l o r e.

The Revenue Commissioner
and Civil Representative in Mysore,
B a n g a l o r e.

Reservation of the casurina tope and other plantations around the Aerodrome near Kolar.

With reference to your letter No. C.L.O. 409/43-44, dated 1st March 1944 suggesting that a notification be issued under section 51 E of the Defence of India Rules requiring the owners of the plantations in the area not to remove or in any manner interfere with the above plantations without the approval of the R.A.F. authorities, I am directed to state that an order of the type proposed cannot be issued under Rule 51 E. The more appropriate procedure for achieving the object in view would be to requisition the tope under rule 75 A if the authorities

are agreeable to pay reasonable compensation.

I have the honour to be,
Sir,
Your most obedient servant,

Sd: V. Vedavyasacharya
Chief Secretary to Government.

Memo No. W 2326

Copy forwarded with compliments to the Deputy Commissioner, Kolar District, Kolar, for information.

MD 30/D/44

For Chief Secretary to Government.

Bangalore,
4th April 1944. ~~29th March~~

SG